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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/231,114	01/14/1999	HIROYUKI FUNAHASHI	102580	3398
25944	7590	01/26/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/231,114

Applicant(s)

FUNAHASHI, HIROYUKI

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 7, 10 and 21-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-9 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al., US Pat. No. 6,170,007 B1 in view of Fujino et al., US Pat. No. 5,651,006.

3. As to claims 1, 3, 8, 11, 15, 16, 17 and 18, Venkatraman teaches the invention substantially as claimed. Venkatraman teaches a network system comprising a plurality of terminals interconnected via a network; and a controller that controls the terminals via the network, the controller comprising selecting means for selecting and controlling the plurality of terminals based on a user's designation, the terminals including printers as well as recording media (Venkatraman, col. 2, lines 16-55 and col. 3, line 9-65).

However, Venkatraman does not explicitly teach at least two of the terminals each adapted to obtain information on the other terminals therefrom, requesting means for requesting the selected terminal to transmit, to the controller, information on all the interconnected terminals; wherein the selected terminal transmits a request to the other interconnected terminals to obtain the information on the other interconnected terminals, the other interconnected

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terminals forward to the selected terminal the information on the other interconnected terminals in response to the request, and the selected terminal forwards to the controller the information from the other interconnected terminals and information on the selected terminal.

In the same field of endeavor, Fujino teaches a method and apparatus for hierarchical network management system. Fujino teaches a requesting means for requesting the selected terminal to transmit, to the controller, information on all the interconnected terminals;

wherein the selected terminal transmits a request to the other interconnected terminals to obtain the information on the other interconnected terminals, the other interconnected terminals forward to the selected terminal the information on the other interconnected terminals in response to the request, and the selected terminal forwards to the controller the information from the other interconnected terminals and information on the selected terminal. (Fujino, col. 5, line 34 – col. 6, line 44 and col. 7, lines 1-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the multiple device information obtaining means as taught by Fujino into the system of Venkatraman for the purpose of increasing the device control and status monitoring efficiency.

4. As to claims 2 and 12, Venkatraman-Fujino teach the system wherein the information on each of the other terminals includes link information for identifying the each terminal on the network (Fujino, col. 5, line 34 – col. 6, line 44 and col. 7, lines 1-53).

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5. As to claims 4 and 19, Venkatraman-Fujino teach the system further comprising an interface interconnecting one terminal and the network; the controller further including an interface information obtaining means for obtaining information on the interface therefrom when the one terminal transmits the information on all the terminals to the controller (Fujino, col. 5, line 34 – col. 6, line 44 and col. 7, lines 1-53 and col. 10, line 29 – col. 11, line 39).

6. As to claims 5 and 20, Venkatraman-Fujino teach a setting changing means for changing the setting or settings of the terminal transmitting the information to the controller, or of the interface (Venkatraman, col. 3, lines 9-65).

7. As to claims 6, 9 and 13, Venkatraman-Fujino teach a memory for storing the information on all the terminals (Fujino, col. 5, line 34 – col. 6, line 44 and col. 7, lines 1-53).

Allowable Subject Matter

8. Claims 7, 10, 21 and 22-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but are not deemed to be persuasive.

The applicants argued in substance that:

a) the prior art of record cannot “teach or suggest that the selected terminal transmits a request to the other interconnected terminals to obtain the information on the other interconnected terminals, the other interconnected terminals forward to the selected terminal the information on the other interconnected terminals in response to the request, and to forward the information from the other interconnected terminals...” since the prior art teaches a hierarchical communication network management system, wherein “the sub-manager is only used for managing and controlling the managing objects under the management of agents, and is not one of a plurality of agents or terminals interconnected via a network...” Remarks, pages 9-10.

As to point a), the claims as recited requires “a plurality of terminals interconnected via a network.” The prior art of record shows computer nodes, including integration manager, sub-manager, and agents, interconnected by a distributed network. The hierarchical nature of the network is a logical relationship, not a physical one. Regardless, all nodes are “interconnected via a network” as required by the claims.

b) “the sub-manager in Fujino is fixed or set as the manager for managing and controlling the managing objects. Namely, the sub-manager is not the selected terminal based on user’s designation.” Remarks, page 10, lines 3-5.

As to point b), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Fujino cannot be viewed in the absence of Venkatraman since the rejection is based on combination of the two

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references. Venkatraman teaches implementing server features on any remote device, and Fujino was relied upon to show network connected devices working in coordination to forward status information to the requesting computer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

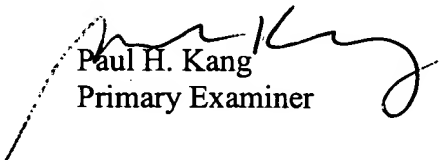
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul H. Kang
Primary Examiner